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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,097	06/29/2001	Rabindranath Dutta	AUS920010246US1	6740
35525	7590	11/06/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,097

Applicant(s)

DUTTA ET AL.

Examiner

Kirsten S. Apple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Examiners Response

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-34 under 35 USC 103.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 & 12-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellman US Patent 6,952,682 B1 in view of ebay (Non-patent literature – web site from March 1, 2000)

Claims 1-10 & 12-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wellman US Patent 6,952,682 B1.

Re claim 1: Wellman discloses:

A method of rating online auction users: (see Wellman, title + Column 2, line 21 “rating” & “reliability”)

Receiving personal information regarding the user (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including “buyer credit rating”)

Obtaining objective information about the user from a third party (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including “buyer credit rating”)

Formulating an initial value (see Wellman, Figure 5A, Item 508)

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Although Wellman does not have formulating an initial value by the Registration Server, Ebay claims, “by the Registration Server” (See ebay feedback forum and feedback rating system)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add formulating an initial value by the Registration Server as taught in Ebay to Wellman.

It is clear that one would be motivated because valuable tool to help auction traders.

Re claim 2: Wellman discloses:

Objective information includes a credit report (see Wellman, Figure 2, “buyer credit report”)

Re claim 3: Wellman discloses:

Personal information is received from a web client

The examiner sights Official Notice it is well know by someone of ordinary skill in the art at the time of the invention that “receiving and transmitting over a web client” is well know.

Re claim 4: Wellman discloses:

Receiving a transaction history for the user (see Wellman, Figure 2, “buyer credit rating” it is well know that a buyer credit rating is made up of transaction history)

Modifying the reliability rating based on the transaction (see Wellman, Figure 5A, Item 508)

Re claim 5: Wellman discloses:

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Receiving feedback about the user (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including “buyer credit rating”)

Based on the feedback modifying the reliability rating (see Wellman, Figure 5A, Item 508)

The examiner would note that feedback is very vague and this could be any kind of feedback. However, if the applicant chooses to be more specific to forum feedback then the ebay reference cited in the applicants IDS (10/11/2001) would be considered prior art.

Re claim 6: Wellman discloses:

Sharing the reliability rating with at least on auction server (see Wellman, Figure 1)

Re claim 7: Wellman discloses:

Reliability rating includes at least one of a buying limit and a selling unit (see Wellman, Figure 3, price “minimum and maximum)

Re claim 8: Wellman discloses:

Presenting to the user a rationale for why the user received the initial value (see Wellman, Figure 5A, item 508 by definition of “graph” there must be a rational)

Re claim 9: Wellman discloses:

A method in a data processing system for managing auctions (see Wellman, title)

Receiving personal data about a user (see Wellman, Figure 2, “buyer credit rating”)

Based on the user reliability rating, regulating the user’s access to selected auctions (see Wellman, Figure 3, seller reliability, although they do not use the exact

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language of “regulating user access” that the low reliability calculation will clearly have an effect of limiting a seller access)

Although Wellman does not have formulating an initial value by the Registration Server, Ebay claims, “Formulating an initial value by the Registration Server” (See ebay feedback forum and feedback rating system)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add formulating an initial value by the Registration Server as taught in Ebay to Wellman.

It is clear that one would be motivated because valuable tool to help auction traders.

Re claim 10: Wellman discloses:

Regulating the user’s access to the selected auction includes one of denying the user access to the selected auctions and allowing the user access to the selected auction (see Wellman, Figure 3, seller reliability, although they do not use the exact language of “regulating user access” that the low reliability calculation will clearly have an effect of limiting a seller access)

Re claim 27: Wellman discloses:

A data processing system for rating an online auction user comprising:

A bus system (see Wellman, Figure 3, Item 112)

A memory (see Wellman, Figure 3, Item 110)

A processing unit (see Wellman, Figure 3, Item 104)

Re claim 11-34:

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The following claims listed below in the following format have repetitive content & similar limitations. Therefore the claims are rejected based on the comparison chart below.

$$11 = 1 + 9$$

$$19 \& 27 = 1$$

$$12 \& 20 \& 28 = 2$$

$$13 \& 21 \& 29 = 3$$

$$14 \& 22 \& 30 = 4$$

$$15 \& 23 \& 31 = 5$$

$$16 \& 24 \& 32 = 6$$

$$17 \& 25 \& 33 = 7$$

$$18 \& 26 \& 34 = 8$$

Response to Arguments

Applicant's arguments filed 8/18/06 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: "Wellman does not teach 'formulating an initial value... for a reliability rating'"

The Examiner refutes the argument made by the Applicant and draws the attention Wellman Figure 5A, item 510 "determining maximal weighted matching" clearly from the flow diagram that the matching is taking into consideration the buyer credit rating since this is one of the 6 attributes as found in item 504, 3 steps earlier in the flow diagram.

Applicants argued 2nd, "claim 2 specifically recites that the objective information of claim 1 includes a credit report."

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The Examiner refutes the argument made by the Applicant and draws the attention to Wellman, Figure 2, “buyer credit report.” It is inherent how the credit report was obtained and that it is used as part of the process of matching buyers and sellers in Figure 5A & 5B.

Applicants argued 3rd, “claim 4, Wellman does not teach ‘receiving transaction history’

First, the examiner would like to apologize because as the applicant appropriately pointed out the examiner omitted the reference section for claim 4, the correction has been made in this action. However, the Examiner refutes the argument made by the Applicant and draws the attention to Wellman Figure 2 “buyer credit rating.” it is well known that a buyer credit rating is made up of transaction history)

Applicants argued 4th, “claim 7, Wellman does not teach “buyer limit and selling limit”

The examiner once again agrees with the applicant’s argument that seller reliability from the first office action was a misinterpretation of the claims. However, the Examiner refutes the argument made by the Applicant and draws the attention to figure 3, price, minimum and maximum.

Applicants argued 5th, “claim 8, Wellman does not teach the feature of presenting to the user a rationale”

The Examiner refutes the argument made by the Applicant and draws the attention to see Wellman, Figure 5A, item 508 by definition of “graph” there must be a rationale. In addition, Wellman, column 6, line 43-46 states “above examples include a buyers credit rating attributes for the seller input screen and the seller reliability attribute for the buyer input screen.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

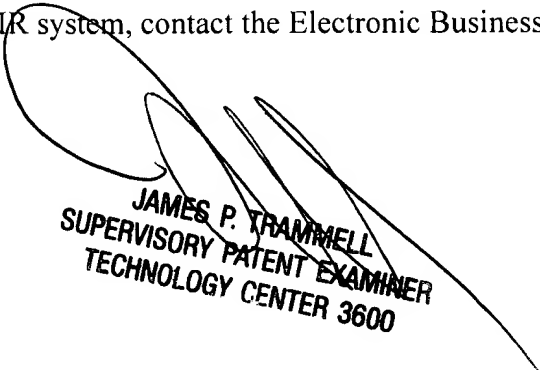
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



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